



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

IN THE MATTER OF THE ESTATE OF
IRA J. SANDERS, DECEASED,
RUTHER SANDERS, ADMINISTRATOR

PLAINTIFF

VS.

CIVIL ACTION NO. 4:10cv 108-TSL-LRA

STAFF CARE, INC.

DEFENDANT

JURY TRIAL REQUESTED

COMPLAINT

COMES NOW, THE PLAINTIFF, THROUGH COUNSEL, AND files this Her
Complaint against the Defendant, The United States of America and in support of said
Complaint would most respectfully show unto the Court the following matters and facts to-wit:

I.

The Parties are:

A. The Estate of Ira J. Sanders, Deceased, Ruther Sanders, Administrator, who
resides at 2701 11th Avenue, Meridian, Lauderdale County, Mississippi 39301, Plaintiff;

B. Staff Care, Inc., a non-resident corporation organized and existing under and by
virtue of the laws of the state of Texas who may be served with process by service on the
Secretary of State of the State of Mississippi as its true and lawful attorney for service of the
summons in this civil action. The principal place of business for Staff Care, Inc. is 5001
Statesman Drive, Irving, Texas 75063.

II.

The jurisdiction is proper in this Court pursuant to the 28 U.S.C. § 1332. The amount in
controversy exceeds \$75,000.00.

III.

At all times herein mentioned Staff Care, Inc. provided staffing in the form of physicians and health care professionals as independent contractors to the Meridian Community Based Outpatient Clinic in Meridian, Mississippi. At all times herein mentioned, Ira J. Sanders, deceased was a patient at the Meridian Community Based Outpatient Clinic and was provided medical services by agents, servants and /or employees of Staff Care, Inc.

IV.

On July 29, 2008, Ira J. Sanders died of severe acidosis secondary to stomach cancer. The Decedent was survived by his wife, Mrs. Ruther Sanders and his children: Ruther M. Battle, Judith Lynn Pierce, James Ira Sanders, Milton Sanders, Barbara Ann Sanders, J. C. Sanders and Belinda Sanders. Ruther Sanders has been appointed Administrator Ad Litem by the Chancery Court of Lauderdale County, Mississippi. The aforementioned individuals have been adjudicated to be the sole and only surviving heirs of Ira J. Sanders, Deceased, by Order of the Chancery Court of Lauderdale County, Mississippi Dated July 13, 2009.

V.

On 12-10-2003, Ira J. Sanders presented for an endoscopy due to symptoms of gastro-esophageal reflux disease (GERD). The pathology report of the endoscopy procedure revealed that a stomach mass demonstrated gastritis and dysplasia. The Meridian Community Based Outpatient Clinic and the Defendant, Staff Care, Inc. were to provide follow up care to Mr. Sanders. No follow up was provided to assess these findings nor was Mr. Sanders or his wife, Ruther Sanders, notified of the findings.

VI.

In July, 2008, an endoscopy and CT performed confirmed a stomach mass and the pathology report determined adenocarcinoma (gastric). The cancer was treatable only with

palliative care. Mr. Sanders died on July 29, 2008 of severe acidosis secondary to stomach cancer.

VII.

Staff Care, Inc. acting through its agents, servants and or employees at the Meridian Community Based Outpatient Clinic failed in its duty to provide the standard of care required of physicians and medical care providers practicing in the United States of America. As a direct and proximate result of the failure to provide the appropriate standard of care and the breach of the various duties owed to Ira J. Sanders, deceased, pursuant to the applicable standards of care, Ira J. Sanders' disease remained untreated and he subsequently died. The Defendant, Staff Care, Inc., acting through its agents, servants and/or employees at Meridian Community Based Outpatient Clinic owed a duty to Ira J. Sanders to relay to him the results of the endoscopy performed by Dr. Azzouz on 12-10-2003, which indicated moderate chronic, inactive gastritis with complete intestinal metaplasia and fragments of dysplastic mucosa, and further to provide appropriate follow-up care for the pre-cancerous stomach lesion which if performed pursuant to the standard of care, the cancer would have been detected at an earlier date and would have been amenable to surgical cure. The aforesaid duties were breached by the Defendant, Staff Care, Inc. acting through its agents, servants and/or employees at the Meridian Community Based Outpatient Clinic.

VIII.

As a direct and proximate result of the aforesaid acts of negligence, and others to be proven at trial, Plaintiff is entitled to recover all damages of every kind owed to Ira J. Sanders, deceased, and to the Estate of Ira J. Sanders, deceased.

X.

Plaintiff has complied with the Notice requirements of MS Code Ann §15-1-36.

WHEREFORE, PREMISES CONSIDERED, Plaintiff brings this her action and demands judgment in an amount to cover all damages of every kind sustained by Ira J. Sanders and the estate of Ira J. Sanders, deceased. The amount of damages claimed herein are in excess of the jurisdictional limits of this District Court.

RESPECTFULLY SUBMITTED, this the 17 day of June, 2010.

IN THE MATTER OF THE ESTATE OF
IRA J. SANDERS, DECEASED, RUTHER
SANDERS, ADMINISTRATOR

BY:

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